

ESTTA Tracking number: **ESTTA329524**Filing date: **01/29/2010**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE
BEFORE THE TRADEMARK TRIAL AND APPEAL BOARD**Petition for Cancellation**

Notice is hereby given that the following party requests to cancel indicated registration.

Petitioner Information

Name	Jaron Ross		
Entity	Individual	Citizenship	UNITED STATES
Address	c/o Olshan Grundman 65 E 55th Street New York, NY 10022 UNITED STATES		

Correspondence information	Mary Grieco, Safia Anand Olshan Grundman Frome Rosenzweig & Wolosky LLP 65 E 55th Street New York, NY 10022 UNITED STATES sanand@olshanlaw.com Phone:212-451-2300
----------------------------	--

Registration Subject to Cancellation

Registration No	3567886	Registration date	01/27/2009
International Registration No.	NONE	International Registration Date	NONE
Registrants	NOIR KENNEDY 22 rue du Roi de Sicile F-75004 Paris FRANCE NOIR KENNEDY 1 rue Ferdinand Duval F-75004 Paris FRANCE		

Goods/Services Subject to Cancellation

Class 025. All goods and services in the class are cancelled, namely: Clothing, namely, jackets, pants, leggings, shirts, t-shirts, sweaters, pullovers, cardigans, scarves; footwear; headwear
--

Grounds for Cancellation

Abandonment	Trademark Act section 14
-------------	--------------------------

Attachments	Petition to Cancel.pdf (4 pages)(151505 bytes) Exhibits A-F.pdf (28 pages)(734393 bytes)
-------------	---

Certificate of Service

The undersigned hereby certifies that a copy of this paper has been served upon all parties, at their address record by Overnight Courier on this date.

Signature	/safia anand/
Name	Safia Anand
Date	01/29/2010

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE
BEFORE THE TRADEMARK TRIAL AND APPEAL BOARD**

In the Matter of: Trademark Registration No. 3567886
For the mark: NOIR KENNEDY
Date Registered: January 27, 2009

-----X	
JARON ROSS,	:
	:
	:
Petitioner,	:
	:
v.	:
	:
NOIR KENNEDY.	:
	:
Registrant.	:
-----X	

Cancellation No.:

PETITION TO CANCEL

Petitioner Jaron Ross (“Petitioner”), an individual with an address care of Olshan Grundman Frome Rosenzweig & Wolosky LLP, 65 East 55th Street, New York, New York 10022, believes that he will be damaged by the registration of the mark NOIR KENNEDY, Registration No. 3567886, owned by Noir Kennedy (“Registrant”), a S.à.r.l. organized under the laws of France with addresses of 1 rue Ferdinand Duval F-75004 Paris FRANCE and 22 rue du Roi de Sicile F-75004 Paris FRANCE, and hereby petitions to cancel the same pursuant to 15 U.S.C. § 1064 *et seq.* and C.F.R. §2.111 *et seq.*

Petitioner alleges on knowledge as to its own acts and otherwise on information and belief as follows:

1. On December 12, 2007, Registrant applied for the NOIR KENNEDY trademark in Class 25 for “Clothing, namely, jackets, pants, leggings, shirts, t-shirts, sweaters, pullovers, cardigans, scarves; footwear; headwear”. The application passed to registration on January 27, 2009 (“Registrant’s NOIR KENNEDY Mark”).

2. Petitioner is informed and believes that Registrant has since abandoned the use of Registrant's Mark with an intent not to resume use.

3. Petitioner's counsel has attempted to contact the Registrant and its attorneys since October 2009, but has been unsuccessful. First, Petitioner's counsel spoke to the counsel listed on Registrant's trademark application and sent several emails. Petitioner's counsel then received an email from Registrant's counsel stating that he no longer represented the Registrant and had no contact information for the client because the firm's contact was the company's local counsel in France, who no longer represents them. *See Exhibit A attached hereto.*

4. Thereafter, Petitioner's counsel attempted to contact the attorneys listed on the NOIR KENNEDY international application; however, on December 21, 2009, Petitioner's counsel received an email stating that the firm could not help contact Registrant because "we have no news from the client for some time and we have not been paid for the same time." *See Exhibit B attached hereto.*

5. Petitioner's counsel also sent several emails to the Registrant to the email address listed on the NOIR KENNEDY website, located at www.noirkennedy.fr; however, to date Petitioner's counsel has not received a response. *See Exhibit C attached hereto.*

6. Petitioner's counsel attempted to call all of the telephone numbers listed on the NOIR KENNEDY website on several occasions; however, some of the numbers were always busy and there was no answer on the others.

7. On January 8, 2010, Registrant's former foreign counsel provided Petitioner's counsel with the contact information for NOIR KENNEDY that the firm had on file. Petitioner's counsel attempted to call these numbers and attempted to fax a letter to the fax number; however, neither the phone numbers nor fax numbers worked. Attached hereto as Exhibit D is a true and correct copy of the email from Registrant's previous counsel with the contact information. Attached hereto as Exhibit E is a copy of the notice that the fax would not go through.

8. On January 8, 2010, Petitioner's Counsel sent a letter to NOIR KENNEDY via federal express; however, Petitioner's counsel has not received a response to date.

9. The NOIR KENNEDY website has a 2006 copyright notice on it, and it appears that it has not been updated for some time. Attached hereto as Exhibit F is a true and correct copy of pages from the NOIR KENNEDY website.

10. Based on the foregoing, Petitioner believes that Registrant has lost interest in this mark and abandoned any rights it may have had in Registrant's NOIR KENNEDY Mark through non-use of the same with no intent to resume use. Thus the registration should be cancelled. 15 U.S.C. § 1064(3); TBMP § 307.01.

11. Petitioner is being harmed by the registration of Registrant's NOIR KENNEDY Mark because the mark has been cited against Petitioner's pending application for KENNEDY in Class 25, Serial No. 77275497.

WHEREFORE, Petitioner requests that Registration No. 3567886 be cancelled.

Please recognize Mary L. Grieco and Safia A. Anand, who are members of the Bar of the State of New York, and with the firm of Olshan Grundman Frome Rosenzweig & Wolosky LLP,

located at Park Avenue Tower, 65 East 55th Street, New York, New York 10022, as attorneys for
Petitioner Jaron Ross.

Dated: New York, New York
January 29, 2010

Olshan Grundman Frome Rosenzweig
& Wolosky LLP

By: _____



Mary L. Grieco
Safia A. Anand
65 East 55th Street
New York, New York 10022
(212) 451-2300
Attorneys for Petitioner

EXHIBIT A

Anand, Safia A.

From: Mark Lebow [mlebow@young-thompson.com]
Sent: Monday, November 23, 2009 3:24 PM
To: Anand, Safia A.
Subject: RE: NOIR KENNEDY

I have no further information because our contact was their local counsel in France, who no longer represents them.

From: Anand, Safia A. [mailto:sanand@olshanlaw.com]
Sent: Monday, November 23, 2009 2:39 PM
To: Mark Lebow
Subject: RE: NOIR KENNEDY

Thank you for your email. Could you please provide me with the contact information for the person I should contact?

Safia A. Anand

O L S H A N
OLSHAN GRUNDMAN FROME ROSENZWEIG & WOLOSKY LLP

Park Avenue Tower
65 East 55th Street
New York, N.Y. 10022
Direct: 212.451.2393
Facsimile: 212.451.2222
sanand@olshanlaw.com
www.olshanlaw.com

From: Mark Lebow [mailto:mlebow@young-thompson.com]
Sent: Monday, November 23, 2009 2:37 PM
To: Anand, Safia A.
Subject: RE: NOIR KENNEDY

Safia,

I refer to your emails and telephone calls in this matter.

Please be advised that we no longer represent Noir Kennedy in this matter. Therefore, you may wish to contact them directly.

Regards,

Mark Lebow | Young & Thompson
209 Madison St. | Suite 500
Alexandria, VA 22314
Tel: (703) 521-2297 | Fax: (703) 685-0573

LinkedIn: <http://www.linkedin.com/pub/mark-lebow/b/70a/b53>

Skype: gaucho000



CONFIDENTIALITY NOTICE. This email message and any attachments may be confidential and may be subject to the attorney-client privilege or other privilege. If you are not the intended recipient, please do not read, copy or re-send this email message or its attachments; immediately notify the sender by reply email or call to 703-521-2297; and delete this email message and any attachments. Thank you for your kind assistance.

From: Anand, Safia A. [mailto:saand@olshanlaw.com]
Sent: Tuesday, November 17, 2009 2:03 PM
To: Mark Lebow
Cc: Grieco, Mary L.
Subject: FW: NOIR KENNEDY

Hi Mr. Lebow,

I am just writing to follow up on the email below. Have you heard from your client as to whether they would be willing to sign a consent letter?

We are eager to hear from your client.

Thanks,
Safia Anand

Safia A. Anand

O L S H A N
OLSHAN GRUNDMAN FROME ROSENZWEIG & WOLOSKY LLP

Park Avenue Tower
65 East 55th Street
New York, N.Y. 10022
Direct: 212.451.2393
Facsimile: 212.451.2222
saand@olshanlaw.com
www.olshanlaw.com

From: Anand, Safia A.
Sent: Tuesday, November 03, 2009 12:31 PM
To: 'mlebow@young-thompson.com'
Cc: Grieco, Mary L.
Subject: FW: NOIR KENNEDY

Hi Mr. Lebow,

I am just writing to follow up on the email below. Have you heard from your client as to whether they would be willing

We look forward to hearing from you soon.

Thanks,
Safia Anand

From: Anand, Safia A.
Sent: Monday, October 26, 2009 5:20 PM
To: 'mlebow@young-thompson.com'
Cc: Grieco, Mary L.
Subject: NOIR KENNEDY

Dear Mr. Lebow,

Our client, Jaron Ross, applied for the mark KENNEDY in Class 25 for shirts and tops on September 10, 2007. Your client's mark has been cited against our client's application and the examiner will not withdraw the rejection, despite several attempts. We do not believe that the two marks are likely to be confused as NOIR KENNEDY and KENNEDY give different commercial impressions. Moreover, there are other marks on the register in Class 25 that include the word KENNEDY, such as AMANDA KENNEDY and KENNEDY SEVILLE.

On December 24, 2008, we amended KENNEDY to the supplemental register in order to overcome another office action; thus, losing our rights in our earlier filing date. Your client's application for NOIR KENNEDY was filed on December 12, 2007 in Class 25, after our client's application was filed. Our client's pending application was not cited against your client's application.

We were wondering if your client would be willing to help our client and sign a simple consent to register. We have attached a proposed consent letter to this email for your consideration.

We have to file a Request for Reconsideration and Notice of Appeal by February 26, 2010. We would like to be able to file a consent letter in the near future so that the examiner would have enough time to consider the letter and make a decision well before the deadline.

Please let us know if your client would be amenable to such a consent letter. We would really appreciate your client's help in this matter.

We look forward to hearing from you soon.

Sincerely,
Safia

Electronic transmissions by the law firm of Olshan Grundman Frome Rosenzweig & Wolosky LLP may contain information that is confidential or proprietary, or protected by the attorney-client privilege or work product doctrine. If you are not the intended recipient, be aware that any disclosure, copying, distribution or use of the contents hereof is strictly prohibited. If you have received this transmission in error, please notify Olshan Grundman Frome Rosenzweig & Wolosky LLP at once at 212.451.2300.

EXHIBIT B

Anand, Safia A.

From: BREMA-LOYER Marques [marques@brema-loyer.fr]
Sent: Monday, December 21, 2009 10:41 AM
To: Anand, Safia A.
Subject: Trademark Application for NOIR KENNEDY

Dear Colleague,

Thank you for your e-mail of December 16, 2009 in the above matter.

We are sorry but unfortunately we cannot help you. Indeed we have no news from the client for some time and we have not been paid for the same time.

Sincerely,

Michèle Cournarie

BREMA-LOYER

161, rue de Courcelles - 75017 PARIS - FRANCE

Tel : +33 (0)1.45.02.60.00 / Fax : +33 (0)1.45.02.60.99

e-mail : marques@brema-loyer.fr

AVERTISSEMENT : Ce message et/ou les pièces qui l'accompagnent sont couverts par le secret professionnel. Au cas où vous les auriez reçus par erreur, nous vous remercions de nous en aviser immédiatement et de les détruire sans les imprimer, les copier, les diffuser ou les sauvegarder.

WARNING : This message and/or its attachments are confidential and covered by the attorney's privilege. In case you have received them in error, we thank you to advise us immediately and to destroy them without printing, copying, broadcasting or saving them.

EXHIBIT C

Anand, Safia A.

From: Anand, Safia A.
Sent: Wednesday, December 16, 2009 4:38 PM
To: 'contact@noirkennedy.fr'
Cc: Grieco, Mary L.
Subject: FW: Trademark Application for NOIR KENNEDY - Please forward to Legal Department
Attachments: Kennedy Consent Ltr..doc

Importance: High

IMPORTANT – PLEASE FORWARD TO YOUR ATTORNEYS AND RESPOND AS SOON AS POSSIBLE. THANK YOU.

From: Anand, Safia A.
Sent: Tuesday, December 08, 2009 3:25 PM
To: 'contact@noirkennedy.fr'
Subject: FW: Trademark Application for NOIR KENNEDY - Please forward to Legal Department
Importance: High

Just a reminder about the email below. We hope to hear from you soon.

Thanks,
Safia Anand

From: Anand, Safia A.
Sent: Monday, November 23, 2009 3:32 PM
To: 'contact@noirkennedy.fr'
Cc: Grieco, Mary L.
Subject: Trademark Application for NOIR KENNEDY - Please forward to Legal Department

To Whom It May Concern:

We have recently been informed that the attorney of record with the United States Patent and Trademark office for you NOIR KENNEDY registration is no longer your counsel; thus, we are contacting you directly.

Our client, Jaron Ross, applied for the mark KENNEDY in Class 25 for shirts and tops on September 10, 2007. Your U.S. registration for NOIR KENNEDY has been cited against our client's application and the examiner will not withdraw the rejection, despite several attempts. We do not believe that the two marks are likely to be confused as NOIR KENNEDY and KENNEDY give different commercial impressions. Moreover, there are other marks on the register in Class 25 for apparel that include the word KENNEDY, such as AMANDA KENNEDY and KENNEDY SEVILLE.

On December 24, 2008, we amended KENNEDY to the supplemental register in order to overcome another office action; thus, losing our rights in our earlier filing date. Your application for NOIR KENNEDY was filed on December 12, 2007 in Class 25, after our client's application was filed. Our client's pending application was not cited against your application further evidencing that there is no confusion between the two marks.

We were wondering if you would be willing to help our client and sign a simple consent to register. We have attached a proposed consent letter to this email for your consideration.

We have to file a Request for Reconsideration and Notice of Appeal by February 26, 2010. We would like to be able to file a consent letter in the near future (by mid-December if possible) so that

Please let us know if you would be amenable to such a consent letter. We would really appreciate your help in this matter.

We look forward to hearing from you soon.

Sincerely,

Safia

EXHIBIT D

Anand, Safia A.

From: BREMA-LOYER Marques [marques@brema-loyer.fr]
Sent: Friday, January 08, 2010 8:18 AM
To: Anand, Safia A.
Subject: RE: Trademark Application for NOIR KENNEDY

Dear Sirs,

Please find enclosed phone and fax numbers of the company NOIR KENNEDY:

- Tel: +33 (0) 1 48 06 41 21/42 21
- Fax: +33 (0) 1 48 06 41 48
- Contact: Mr. Sébastien De Jaegher/Mr. Paul-Arthur Choubry
- Showroom address: 10 rue du Grand Prieuré, 75011 Paris, France.

Good luck !

Sincerely,

Lucie Guirlin
for Michèle Cournarie
Brema-Loyer

De : Anand, Safia A. [mailto:sanand@olshanlaw.com]
Envoyé : mardi 5 janvier 2010 23:03
À : BREMA-LOYER Marques
Objet : RE: Trademark Application for NOIR KENNEDY

Thank you for your email. Could you send me the name and phone number of someone there that might be able to help us? We urgently need to get in touch with them.

We greatly appreciate your help.

Sincerely,
Safia Anand

Safia A. Anand

OLSHAN

OLSHAN GRUNDMAN FROME ROSENZWEIG & WOLOSKY LLP

Park Avenue Tower
65 East 55th Street
New York, N.Y. 10022
Direct: 212.451.2393
Facsimile: 212.451.2222
sanand@olshanlaw.com
www.olshanlaw.com

From: BREMA-LOYER Marques [mailto:marques@brema-loyer.fr]

Sent: Monday, December 21, 2009 10:41 AM

To: Anand, Safia A.

Subject: Trademark Application for NOIR KENNEDY

Dear Colleague,

Thank you for your e-mail of December 16, 2009 in the above matter.

We are sorry but unfortunately we cannot help you. Indeed we have no news from the client for some time and we have not been paid for the same time.

Sincerely,

Michèle Courmarie

BREMA-LOYER

161, rue de Courcelles - 75017 PARIS - FRANCE

Tel : +33 (0)1.45.02.60.00 / Fax : +33 (0)1.45.02.60.99

e-mail : marques@brema-loyer.fr

AVERTISSEMENT : Ce message et/ou les pièces qui l'accompagnent sont couverts par le secret professionnel. Au cas où vous les auriez reçus par erreur, nous vous remercions de nous en aviser immédiatement et de les détruire sans les imprimer, les copier, les diffuser ou les sauvegarder.

WARNING : This message and/or its attachments are confidential and covered by the attorney's privilege. In case you have received them in error, we thank you to advise us immediately and to destroy them without printing, copying, broadcasting or saving them.

EXHIBIT E

MODE = MEMORY TRANSMISSION

START=JAN-08 15:39

END=JAN-08 15:49

FILE NO. = 056

STN NO.	COM	ABBR NO.	STATION NAME/TEL.NO.	PAGES	DURATION
001	BUSY		9011330148064148	000/006	00:00'00"

***** - ***** - 2124512222- *****

O L S H A N

OLSHAN GRUNDMAN FROME ROSENZWEIG & WOLOSKY LLP

PARK AVENUE TOWER
65 EAST 55TH STREET
NEW YORK, NEW YORK 10022
TELEPHONE: 212.451.2300
FACSIMILE: 212.451.2393

FACSIMILE COVER PAGE

WWW.OLSHANLAW.COM

DATE:	<u>January 8, 2010</u>	PAGE	<u>1</u>	OF	<u>4</u>
FROM:	<u>Safia A. Anand</u>	EMAIL:	<u>sanand@olshanlaw.com</u>		
CLIENT/MATTER #:	<u>07565.001-</u>	PHONE:	<u>212.451.2393</u>		
RECIPIENT:	<u>Mr. Sébastien De Jaegher</u>	COMPANY:	<u>NOIR KENNEDY SARL</u>		
	<u>Mr. Paul-Arthur Choubry</u>				
FACSIMILE:	<u>33 1 48 06 41 48</u>	PHONE:	<u>33 (0) 1 48 06 41 21</u>		

If you do not receive all pages, please call: 212.451.2393

Please see attached letter

CONFIDENTIALITY NOTE

The documents accompanying this telecopy transmission contain information from the law firm of Olshan Grundman Frome Rosenzweig & Wolosky LLP which is confidential, legally privileged and exempt from disclosure under applicable law. The information is intended only for the use of the individual or entity named on this transmission sheet. If you are not the intended recipient or the employee or agent responsible for delivering the message to the intended recipient, you are hereby notified that any dissemination, disclosure, copying, distribution or the taking of any action in reliance on the contents of this telecopied information is strictly prohibited, and that the documents should be returned to this firm immediately. In this regard, if you have received this telecopy in error, please notify us immediately by telephone so that we can arrange for the return of the original documents to us at no cost to you. Thank you.

ORIGINAL WILL BE

Federal

MODE = MEMORY TRANSMISSION

START=JAN-08 15:24

END=JAN-08 15:33

FILE NO. = 053

STN NO.	COM	ABBR NO.	STATION NAME/TEL.NO.	PAGES	DURATION
001	BUSY	S	#477	000/004	00:00'00"

***** - ***** - 2124512222- *****

O L S H A N

OLSHAN GRUNDMAN FROME ROSENZWEIG & WOLOSKY LLP

PARK AVENUE TOWER
65 EAST 55TH STREET
NEW YORK, NEW YORK 10022
TELEPHONE: 212.451.2300
FACSIMILE: 212.451.2222

FACSIMILE COVER PAGE

WWW.OLSHANLAW.COM

DATE: <u>January 8, 2010</u>	PAGE <u>1</u> OF <u>4</u>
FROM: <u>Safia A. Anand</u>	EMAIL: <u>sanand@olshanlaw.com</u>
CLIENT/MATTER #: <u>07565.001-</u>	PHONE: <u>212.451.2393</u>
RECIPIENT: <u>Mr. Sébastien De Jaegher</u>	COMPANY: <u>NOIR KENNEDY SARL</u>
<u>Mr. Paul-Arthur Choubry</u>	
FACSIMILE: <u>33 1 48 06 41 48</u>	PHONE: <u>33 (0) 1 48 06 41 21</u>

If you do not receive all pages, please call: 212.451.2393

Please see attached letter

CONFIDENTIALITY NOTE

The documents accompanying this telecopy transmission contain information from the law firm of Olshan Grundman Frome Rosenzweig & Wolosky LLP which is confidential, legally privileged and exempt from disclosure under applicable law. The information is intended only for the use of the individual or entity named on this transmission sheet. If you are not the intended recipient or the employee or agent responsible for delivering the message to the intended recipient, you are hereby notified that any dissemination, disclosure, copying, distribution or the taking of any action in reliance on the contents of this telecopied information is strictly prohibited, and that the documents should be returned to this firm immediately. In this regard, if you have received this telecopy in error, please notify us immediately by telephone so that we can arrange for the return of the original documents to us at no cost to you. Thank you.

ORIGINAL WILL BE

SENT VIA:

Mail

Federal

Express

Mail

MODE = MEMORY TRANSMISSION

START=JAN-08 15:23

END=JAN-08 15:32

FILE NO.= 052

STN NO.	COM	ABBR NO.	STATION NAME/TEL.NO.	PAGES	DURATION
001	BUSY	*	#502	000/004	00:00'00"

- ***** -

2124512222- *****

O L S H A N

O L S H A N G R U N D M A N F R O M E R O S E N Z W E I G & W O L O S K Y L L P

PARK AVENUE TOWER

65 EAST 55TH STREET

NEW YORK, NEW YORK 10022

TELEPHONE: 212.451.2300

FACSIMILE: 212.451.2222

WWW.OLSHANLAW.COM

FACSIMILE COVER PAGE

DATE: January 8, 2010

PAGE 1 OF 4

FROM: Safia A. Anand

EMAIL: sanand@olshanlaw.com

CLIENT/MATTER #: 07565.001-

PHONE: 212.451.2393

RECIPIENT: Mr. Sébastien De Jaegher

COMPANY: NOIR KENNEDY SARL

Mr. Paul-Arthur Choubry

FACSIMILE: 33 1 48 06 41 48

PHONE: 33 (0) 1 48 06 41 21

If you do not receive all pages, please call: 212.451.2393

Please see attached letter

CONFIDENTIALITY NOTE

The documents accompanying this telecopy transmission contain information from the law firm of Olshan Grundman Frome Rosenzweig & Wolosky LLP which is confidential, legally privileged and exempt from disclosure under applicable law. The information is intended only for the use of the individual or entity named on this transmission sheet. If you are not the intended recipient or the employee or agent responsible for delivering the message to the intended recipient, you are hereby notified that any dissemination, disclosure, copying, distribution or the taking of any action in reliance on the contents of this telecopied information is strictly prohibited, and that the documents should be returned to this firm immediately. In this regard, if you have received this telecopy in error, please notify us immediately by telephone so that we can arrange for the return of the original documents to us at no cost to you. Thank you.

ORIGINAL WILL BE

O L S H A N

O L S H A N G R U N D M A N F R O M E R O S E N Z W E I G & W O L O S K Y L L P

PARK AVENUE TOWER
65 EAST 55TH STREET
NEW YORK, NEW YORK 10022
TELEPHONE: 212.451.2300
FACSIMILE: 212.451.2222

WWW.OLSHANLAW.COM

FACSIMILE COVER PAGE

DATE: January 8, 2010
FROM: Safia A. Anand
CLIENT/MATTER #: 07565.001-

PAGE 1 **OF** 4
EMAIL: sanand@olshanlaw.com
PHONE: 212.451.2393

RECIPIENT: Mr. Sébastien De Jaegher
Mr. Paul-Arthur Choubry

COMPANY: NOIR KENNEDY SARL

FACSIMILE: 33 1 48 06 41 48

PHONE: 33 (0) 1 48 06 41 21

If you do not receive all pages, please call: 212.451.2393

Please see attached letter

CONFIDENTIALITY NOTE

The documents accompanying this telecopy transmission contain information from the law firm of Olshan Grundman Frome Rosenzweig & Wolosky LLP which is confidential, legally privileged and exempt from disclosure under applicable law. The information is intended only for the use of the individual or entity named on this transmission sheet. If you are not the intended recipient or the employee or agent responsible for delivering the message to the intended recipient, you are hereby notified that any dissemination, disclosure, copying, distribution or the taking of any action in reliance on the contents of this telecopied information is strictly prohibited, and that the documents should be returned to this firm immediately. In this regard, if you have received this telecopy in error, please notify us immediately by telephone so that we can arrange for the return of the original documents to us at no cost to you. Thank you.

ORIGINAL WILL BE
SENT VIA: _____ Mail _____ Federal
Express _____ Messenger
ORIGINAL WILL NOT

PARK AVENUE TOWER
65 EAST 55TH STREET
NEW YORK, NEW YORK 10022
TELEPHONE: 212.451.2300
FACSIMILE: 212.451.2922

January 8, 2010

WWW.OLSHANLAW.COM

DIRECT DIAL: 212-451-2393
EMAIL: SANAND@OLSHANLAW.COM

VIA FACSIMILE

NOIR KENNEDY SARL
10 rue du Grand Prieuré
75011 Paris, France

Attn: Mr. Sébastien De Jaegher and Mr. Paul-Arthur Choubry

**Re: Request to Co-exist with Your United States Trademark Registration
for NOIR KENNEDY**

Dear Mr. De Jaegher and Mr. Choubry:

We are counsel for Jaron Ross, the owner of the KENNEDY trademark application in the United States, Serial No. 77275497 for "Shirts; Tops". We have recently been informed that the attorney of record with the United States Patent and Trademark office for your NOIR KENNEDY registration, Registration No. 3567886 for "Clothing, namely, jackets, pants, leggings, shirts, t-shirts, sweaters, pullovers, cardigans, scarves; footwear; headwear" is no longer your counsel; thus, we are contacting you directly. We have actually been attempting to contact you through email for some time; however, our emails have gone unanswered; thus, we are hopeful that you will respond to this letter.

Our client, Jaron Ross, applied for the mark KENNEDY in Class 25 for shirts and tops on September 10, 2007. Your U.S. registration for NOIR KENNEDY has been cited against our client's application and the examiner will not withdraw the rejection, despite several attempts. We do not believe that the two marks are likely to be confused as NOIR KENNEDY and KENNEDY give different commercial impressions. Moreover, there are other marks on the register in Class 25 for apparel that include the word KENNEDY, such as AMANDA KENNEDY, SASSYBAX BY AMANDA KENNEDY, KENNEDY SEVILLE and DEAD KENNEDYS.

As mentioned above, our client filed his trademark application for KENNEDY on September 10, 2007. On December 24, 2008, our client amended its KENNEDY application to the supplemental register in order to overcome an office action; thus, losing his rights in his

January 8, 2010

Page 2

September 10, 2007 filing date. Your application for NOIR KENNEDY was filed on December 12, 2007 in Class 25, after our client's application was filed. Our client's pending application was not cited against your application further evidencing that there is no confusion between the two marks.

We were wondering if you would be willing to help our client and sign a simple consent to register. We have enclosed a proposed consent letter to this email for your consideration.

We have to file a Request for Reconsideration and Notice of Appeal by **February 26, 2010**. We would like to be able to file a consent letter in the near future (by mid-January if possible) so that the examiner would have enough time to consider the letter and make a decision well before the deadline.

Please let us know if you would be amenable to such a consent letter. We would really appreciate your help in this matter. Please feel free to contact us if you have any questions.

We look forward to hearing from you soon.

Sincerely,

A handwritten signature in black ink, appearing to read 'Safia Anand', with a stylized flourish at the end.

Safia Anand

Enclosure

gm

January ____, 2010

VIA ELECTRONIC FILING

Commissioner for Trademarks
600 Dulany Street
Alexandria, VA 22314

Re: CONSENT TO REGISTER
Mark: KENNEDY
Serial No.: 77/275,497

To Whom It May Concern:

Noir Kennedy S.à.r.l. ("Noir Kennedy") is the owner of the NOIR KENNEDY Mark, Registration No. 3567886 for the following goods "Clothing, namely, jackets, pants, leggings, shirts, t-shirts, sweaters, pullovers, cardigans, scarves; footwear; headwear" in Class 25.

The NOIR KENNEDY application was filed on December 12, 2007. At the time the NOIR KENNEDY application was filed, Jaron Ross' application for KENNEDY in Class 25 for "shirts and tops" was pending in Class 25 (the "KENNEDY Application"). The KENNEDY Application was never cited against the NOIR KENNEDY application.


Noir Kennedy hereby consents to the registration of KENNEDY in Class 25 for "shirts and tops", Serial No. 77/275,497. Noir Kennedy does not believe that NOIR KENNEDY and KENNEDY are likely to be confused by consumers as they give off significantly different commercial impressions. Moreover, other KENNEDY marks exist on the register, namely AMANDA KENNEDY and KENNEDY SEVILLE.

Based on the foregoing, Noir Kennedy consents to the registration of KENNEDY in Class 25, Serial No. 77/275,497.

Very truly yours,

EXHIBIT F



The  icon means designer clothes.

[Home](#) - [Français](#) / [English](#)

 **Basket** 0 articles

[Produits](#)

[accessories](#)

[trousers](#)

[dress / skirts](#)

[t-shirt](#)

[vintage](#)



[New Products](#)



[News & Promos](#)

[News & Promos.](#)

[Your E-Mail.](#)

[OK](#)



CUSTOM NOIR
KENNEDY
 SCHOOL BLAZER 80 €
[More](#)



IMPORT UK
 ROLLING STONES 29 €
[More](#)



IMPORT UK
 RIDE TODAY
 FOREVER 29 €
[More](#)

Contact

News

Links



Marque

A > Z



IMPORT UK
 IAN CURTIS 24 €
[More](#)





VINTAGE
 WOOL TRENCH
 COAT 65 €
[More](#)





IMPORT UK
 RIDE - LEAVE THEM
 ALL BEHIND 24 €
[More](#)








NOIR KENNEDY
MADE FOR SKATE 24
€
 More





LEVI'S
SNOW JACKET 62 €
 More




VINTAGE
SAILOR COAT 65 €
 More



The  icon means designer clothes.

[Home](#) - [Francais](#) / [English](#)

 **Basket :** 0 articles

[Produits](#)

[accessories](#)

[trousers](#)

[dress / skirts](#)

[t-shirt](#)

[vintage](#)



[New Products](#)



[News Letter](#)

NOIR KENNEDY

12 rue du roi de sicile
75004 PARIS
voir le plan

tel 01 42 71 15 50
fax 01 42 71 18 53

NOIR KENNEDY

22 rue du roi de sicile
75004 PARIS
voir le plan

tel 01 42 74 55 58

NOIR KENNEDY

62 rue du pas st georges
33000 BORDEAUX
voir le plan

tel 05 56 52 45 62
fax 05 56 52 45 87

NOIR KENNEDY SHOWROOM

10 rue du grand prieuré
75011 PARIS
voir le plan

tel 01 48 06 41 21
fax 01 48 06 41 48

News & Promos.

Your E-Mail.

Contact

News

Links



Marques

A > Z



E-MAIL : contact@noirkennedy.fr

